

IN THE BOARD OF SUPERVISORS
COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA

_____ day _____, 20__

PRESENT: Supervisors

ABSENT:

RESOLUTION NO. _____

RESOLUTION DENYING THE APPEAL OF 1736PAC, LLC, MODIFYING AND
AFFIRMING THE DECISION OF THE PLANNING DEPARTMENT HEARING OFFICER,
AND DENYING THE APPLICATION OF 1736PAC, LLC FOR MINOR USE PERMIT/
COASTAL DEVELOPMENT PERMIT DRC2015-00073

The following resolution is now offered and read:

WHEREAS, on April 8, 2016, the Planning Department Hearing Officer of the County of San Luis Obispo (hereinafter referred to as the “Hearing Officer”) duly considered and denied the application of 1736PAC, LLC for Minor Use Permit/Coastal Development Permit DRC2015-00073 to modify the location standard for vacation rentals (Coastal Zone Land Use Ordinance Section 23.08.165.C.2) and allow the use of an existing single family residence as a residential vacation rental; and

WHEREAS, 1736PAC, LLC has appealed the Hearing Officer’s decision to the Board of Supervisors of the County of San Luis Obispo (hereinafter referred to as the “Board of Supervisors”) pursuant to the applicable provisions of Title 23 of the San Luis Obispo County Code; and

WHEREAS, a public hearing was duly noticed and conducted by the Board of Supervisors on June 21, 2016, and a determination and decision was made on June 21, 2016; and

WHEREAS, at said hearing, the Board of Supervisors heard and received all oral and written protests, objections, and evidence, which were made, presented, or filed, and all persons present were given the opportunity to hear and be heard in respect to any matter relating to said appeal; and

Attachment 1

WHEREAS, the Board of Supervisors has duly considered the appeal and finds that the appeal should be denied and the decision of the Hearing Officer should be modified and affirmed, and that the application (DRC2015-00073) should be denied for the reasons described in the modified findings set forth below.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED by the Board of Supervisors of the County of San Luis Obispo, State of California, as follows:

1. That the recitals set forth hereinabove are true, correct and valid.
2. That this project is found to be statutorily exempt from the California Environmental Quality Act under the provisions of Public Resources Code section 21080(b)(5), which provides that CEQA does not apply to projects which a public agency rejects or disapproves.
3. That the Board of Supervisors makes all of the findings of fact and determinations set forth in Exhibit A attached hereto and incorporated by reference herein as though set forth in full.
4. That the appeal filed by 1736PAC, LLC is denied, that the decision of the Hearing Officer is modified and affirmed, and that the application for Minor Use Permit/Coastal Development Permit DRC2015-00073 is hereby denied for the reasons described in the findings set forth below.

Upon motion of Supervisor _____, seconded by Supervisor _____, and on the following roll call vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAINING:

the foregoing resolution is hereby adopted.

Chairperson of the Board of Supervisors

Attachment 1

ATTEST:

Clerk of the Board of Supervisors

[SEAL]

APPROVED AS TO FORM AND LEGAL EFFECT:

RITA L. NEAL
County Counsel

By: 
Deputy County Counsel

Dated: May 23, 2016

STATE OF CALIFORNIA,)
) SS
County of San Luis Obispo)

I, _____, County Clerk and ex-officio Clerk of the Board of Supervisors, in and for the County of San Luis Obispo, State of California, do hereby certify the foregoing to be a full, true and correct copy of an order made by the Board of Supervisors, as the same appears spread upon their minute book.

WITNESS my hand and the seal of said Board of Supervisors, affixed this _____ day of _____, 2016.

County Clerk and Ex-Officio Clerk of the
Board of Supervisors

(SEAL)

By: _____
Deputy Clerk

EXHIBIT A – FINDINGS

CEQA Exemption

- A. This project is found to be statutorily exempt from the California Environmental Quality Act under the provisions of Public Resources Code section 21080(b)(5), which provides that CEQA does not apply to projects which a public agency rejects or disapproves.

Minor Use Permit

- B. The proposed project or use is inconsistent with the San Luis Obispo County General Plan because the requested modification would result in a greater concentration of vacation rentals on the 1600/1700 block of Pacific Avenue in Cayucos than the ordinance allows for, and as a result would be incompatible with the purpose and character of the Residential Single Family land use category. Allowing a vacation rental on the project site and other similar properties in the area would cumulatively change the character of the neighborhood from a primarily residential area to a visitor-serving area.
- C. The proposed project or use does not satisfy all applicable provisions of Title 23 of the County Code because it would allow a vacation rental to be established closer to an existing vacation rental than what is allowed by Section 23.08.165(C)(2). According to this section, no residential vacation rental in Cayucos shall be located within: 1) 100 feet of an existing residential vacation rental on the same or opposite side of the street; or 2) within a 50-foot radius around the proposed vacation rental. The proposed vacation rental does not comply with this standard because it would be located within 100 feet of two existing vacation rentals on the same side of the street. Specifically, it would be located within 40 feet of an existing vacation rental at 1702 Pacific Avenue and within 80 feet of one at 1698 Pacific Avenue.
- D. The establishment and subsequent operation or conduct of the use will be detrimental to the health, safety or welfare of the general public or persons residing or working in the neighborhood of the use, or be detrimental or injurious to property or improvements in the vicinity of the use because the requested modification would result in a greater concentration of vacation rentals on the 1600/1700 block of Pacific Avenue in Cayucos than the ordinance allows for, and as a result would be incompatible with the purpose and character of the Residential Single Family land use category. Allowing a vacation rental on the project site and other similar properties in the area would cumulatively change the character of the neighborhood from a primarily residential area to a visitor-serving area. This would degrade the quality of life enjoyed by neighboring residents.
- E. The proposed project or use will be inconsistent with the character of the immediate neighborhood or contrary to its orderly development because the requested modification would result in a greater concentration of vacation rentals on the 1600/1700 block of Pacific Avenue in Cayucos than the ordinance allows for, and as a result would be incompatible with the purpose and character of the Residential Single Family land use category. Allowing a vacation rental on the project site and other similar properties in the area would cumulatively change the character of the neighborhood from a primarily residential area to a visitor-serving area. This would degrade the quality of life enjoyed by neighboring residents.
- F. The proposed project or use will generate a volume of traffic beyond the safe capacity of all roads providing access to the project, either existing or to be improved with the

Attachment 1

project, because allowing a vacation rental on the project site would exceed the concentration of vacation rentals allowed by the ordinance and because granting this modification and others for similar projects in the area would cumulatively change the character of the neighborhood from a primarily residential area to a visitor-serving area.